

# In re Interest of Marcus C et. al.

**Caselaw No.**

A-14-1091

**Filed on**

Monday, September 29, 2014

**SUMMARY:** Termination of a mother's parental rights was proper where the mother only had two visits with her children over the course of a five year case and never improved her parenting skills despite involvement in numerous services.

The State of Nebraska removed LaCory (DOB 8/10/1999), Lela (DOB 2/7/2001), Daniel (DOB 9/10/2002) and Precious (DOB 5/27/2004) from Debra's, their legal guardian and grandmother, care in July 2009. The children's biological mother, Telea, moved to intervene in the case in December 2011. The State filed a supplemental petition in October 2011; Telea admitted to allegations that she failed to provide appropriate care or supervision, used alcohol and/or controlled substances, and placed the children at risk of harm. The State filed an amended motion to terminate Telea's parental rights in July 2013. At the termination hearing, there was evidence that Telea had been ordered to have no contact with the children when they were first removed from Debra's care. The family permanency specialist testified that she contacted Telea beginning in June 2011 about the case but did not hear anything from Telea until October 2011. Telea only saw her children twice for therapeutic visitation on March 24 and 30. Visitation workers noted that Telea received feedback well but did not follow rules. Telea was subsequently incarcerated for domestic violence and did not have any further visitation with the children. Telea was still offered services such as family support, domestic violence classes, and a pretreatment assessment. Telea initially did not comply with urinalysis testing, but eventually cooperated with offered services. Telea was discharged from individual therapy because she was unable to sustain progress in compliance with court orders and began cancelling meetings with family support workers. The four children were seeing a therapist for their psychological and behavioral issues. The juvenile court terminated Telea's parental rights on January 20, 2014.

The Court of Appeals affirmed the termination. Telea was afforded due process because she was given notice and was present (either personally or through counsel) for every hearing held after filing a complaint to intervene. Telea was not involved early on in the case because the children's grandmother was their legal guardian and there was a no-contact order in place. In addition, termination of Telea's parental rights was proper because the case had been pending for approximately five years and the children had never been placed with Telea. Telea never consistently participated in services and did not make permanent improvement. Only two visits took place between Telea and the children. Thus, termination of Telea's parental rights was in the children's best interests.

**Tags**

abuse,  
Daniel,  
Debra,  
due process,  
LaCory,

Lela,  
neglect,  
no-contact order,  
Precious,  
Telea,  
termination of parental rights,  
visitation

---